

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Daniels Cablevision, Inc. and the California Cable
Television Association,

Complainants,

vs.

San Diego Gas & Electric Company,

Defendant.

Case 00-09-025
(Filed September 18, 2000)

**ADMINISTRATIVE LAW JUDGE'S RULING
REQUESTING CLARIFICATION OF APPEAL TO PRESIDING OFFICER'S
DECISION AND RESPONSE TO APPEAL**

On November 26, 2001, San Diego Gas & Electric Company (SDG&E) filed an appeal of the Presiding Officer's Decision (POD) in this matter which was mailed on October 24, 2001. In the appeal, SDG&E requests that the Commission clarify the POD to allocate transmission rights of way (ROW) costs as shared costs rather than common costs. To make this change, SDG&E proposes new language for the formula contained in Attachment A of the POD. Specifically, SDG&E proposes that line 2 of Attachment A be modified to read:

ROW Overhead (investment in transmission ROW for
poles divided by total net electric transmission plant
excluding land and buildings.)

(New material is underlined)

In response, Complainants agree to the formula change proposed by SDG&E but not to other, additional verbiage proposed in SDG&E's appeal. Complainants also ask the Commission to affirm that SDG&E's investment in ROW for transmission towers is excluded from the ROW overhead calculation and that the proposed ROW overhead applies only to transmission poles in private ROWs.

In reviewing the change requested in SDG&E's appeal and supported in Complainants' response, it is not clear to me which "land and buildings" should be excluded from the formula in line 2 of Attachment A and why. If the formula is intended to compare the dollar amount SDG&E spends on transmission ROW for poles with the dollar amount of SDG&E's total transmission plant, I do not understand why the denominator in this equation excludes land and buildings. To assist me in recommending action on the appeal to the full Commission, I ask that both SDG&E and Complainants file and serve comments, supported by declarations as necessary, answering this question. I also ask SDG&E to comment on the additional clarifications requested by Complainants in their appeal response.

SDG&E should file its comment first since it filed the appeal, and Complainants should respond shortly thereafter.

Therefore, **IT IS RULED** that:

1. SDG&E shall file and serve comments with supporting declarations, if needed, responding to the questions set forth in this ruling, no later than seven days from the date of this ruling.
2. Complainants shall file and serve comments with declarations, if needed, in response to SDG&E's filing, no later than seven days from the date of SDG&E's filing.

3. SDG&E may file and serve a reply to Complainants' comments, if necessary, no later than 5 days from the date of Complainants' comments.

Dated January 16, 2002, at San Francisco, California.

/s/ Dorothy J. Duda
Dorothy J. Duda
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Requesting Clarification of Appeal to Presiding Officer's Decision and Response to Appeal on all parties of record in this proceeding or their attorneys of record.

Dated January 16, 2002, at San Francisco, California.

/s/ Antonina V. Swansen
Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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